

5. Those in which the Railroad Commission is a party.

Article 1522. In any case in any court of civil appeals in this State in which the amount in controversy in the trial court exceeds \$5,000.00; or in which the title and possession of real or personal property is involved and when the record from the trial court affirmatively shows the value thereof to exceed \$5,000.00 at the time of the trial in the trial court, it shall be competent for the Supreme Court to require, by certiorari, under such regulations as it may prescribe, upon the petition of any party thereto, any such case to be certified to the Supreme Court, for its review and determination of any question of law arising therein, and in any case within its appellate jurisdiction any court of civil appeals at any time may certify to the Supreme Court any question or proposition of law concerning which it desires the instruction of that court for its proper decision, and thereupon, whether on certiorari or certificate, the Supreme Court shall determine the above mentioned questions of law, and its determination of same shall be binding on the court of civil appeals. It shall be mandatory upon the courts of civil appeals to certify all causes coming under Subdivision 2 of Article 1521.

All causes mentioned in Article 1521 may be carried to the Supreme Court either by writ of error or by certificate from the court of civil appeals, and questions arising in causes not mentioned in Article 1521 shall be determined on certiorari to the court of civil appeals or on certificate from such court as herein provided, and such questions may be determined whether before or after the decision thereof in the court of civil appeals.

Sec. 2. Be it further enacted that this Act shall not affect any business which may be before the Supreme Court at that time, either as to the cases in which applications for writs of error have been granted or as to applications for writs of error theretofore filed, or as to matters then pending or thereafter filed with reference to any of such business; provided that if a judgment of the court of civil appeals shall be reversed and the cause remanded, such case shall thereafter proceed under the provisions of this Act.

Question—Shall the amendment be adopted?

EMPLOYEES OF THE HOUSE.

The Speaker announced appointment of the following committee clerks:

J. O. Coupland.
F. R. Smith.

ADJOURNMENT.

On motion of Mr. Darroch, the House, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 191, "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendment or amendments, within the time required by law, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

ROBERT B. THRASHER,
Vice-Chairman.

SIXTEENTH DAY.

(Tuesday, February 1, 1921.)

The House met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Binkley.
Aiken.	Black, O. B.,
Baker.	of Bexar.
Baldwin.	Black, W. A.,
Barker.	of Bexar.
Barrett of Bell.	Bonham.
Bass.	Brady.
Beasley	Branch.
of Hopkins.	Brown.
Beasley	Bryant.
of McCulloch.	Burmeister.
Beavens.	Burns.

Carpenter.	Miller of Parker.
Childers.	Morgan.
Chitwood.	Moore.
Coffee.	Morris of Medina.
Cox.	Morris
Crawford.	of Montague.
Crumpton.	Mott.
Cummins.	Neblett.
Darroch.	Neinast.
Davis, John E.,	Owen.
of Dallas.	Patman.
Davis, John,	Perkins
of Dallas.	of Cherokee.
Duffey.	Perkins of Lamar.
Duncan.	Perry.
Edwards.	Pollard.
Estes.	Quaid.
Fly.	Quicksall.
Fugler.	Rice.
Garrett.	Rogers of Harris.
Greer.	Rogers of Shelby.
Hall.	Rosser.
Hanna.	Rountree.
Hardin.	Rowland.
Harrington.	Satterwhite.
Harrison.	Schweppe.
Henderson	Shearer.
of McLennan.	Sims.
Henderson	Smith.
of Marion.	Sneed.
Hill.	Stephens.
Horton.	Stevenson.
Johnson	Stewart of Reeves.
of Gillespie.	Swann.
Johnson	Sweet of Brown.
of Wichita.	Sweet of Tarrant.
Jones.	Teer.
Kacir.	Thomas
Kellis.	of Limestone.
King.	Thomason.
Kveton.	Thompson
Lackey.	of Harris.
Laird.	Thompson
Laney.	of Red River.
Lauderdale.	Thorn.
Lawrence.	Thrasher.
Leslie.	Veatch.
Lindsey.	Wadley.
Looney.	Walker.
McDaniel.	Wallace.
McFarlane.	Webb.
McKean.	Wessels.
Malone.	West.
Martin.	Williams
Mathes.	of McLennan.
Menking.	Williams
Merriman.	of Montgomery.
Miller of Dallas.	

Absent.

Hendricks.	Pool.
Johnson of Ellis.	Pope.

Absent—Excused.

Barrett of Fannin.	Curtis.
Burkett.	Dinkle.

Faubion.	Quinn.
Grissom.	Seagler.
McCord.	Stewart
McLeod.	of Edwards.
Marshall.	Westbrook.
Melson.	Wright.

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Guinn for today, on motion of Mr. Mott.

Mr. Sneed for yesterday, on motion of Mr. Jones.

Mr. McLeod for today, on motion of Mr. Barker.

Mr. Seagler for yesterday and today, on motion of Mr. Darroch.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. John Davis of Dallas:

H. B. No. 321, A bill to be entitled "An Act to prescribe what shall constitute the record on appeal to any Court of Civil Appeals in this State; to authorize the Supreme Court to make rules and regulations to carry into effect the purpose of this Act; to repeal Articles 2068, 2071, 2109 and all other laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Cox:

H. B. No. 322, A bill to be entitled "An Act to amend Section 2 of an Act approved September 16, 1911, being Chapter 20 of the General Laws of the Thirty-second Legislature at its First Called Session, entitled 'An Act to regulate proceedings upon application for writs of error from Courts of Civil Appeals to the Supreme Court,' and now designated as Article 1542b, Revised Civil Statutes of 1911, so as to provide that the defendant in error may file a reply to an application for writ of error within thirty days after the filing of the record of the cause in the Supreme Court instead of within ten days, as provided in the Act referred to, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Lackey:

H. B. No. 323, A bill to be entitled "An Act creating and incorporating the Yorktown Independent School District in DeWitt county, Texas, containing the present Yorktown Independent School District and additional territory described in the field notes herein; providing that the school property be vested in such independent school district and that it assume all outstanding obligations of the school district included in the district created by this Act; providing for a board of trustees for said district; defining the boundaries of said district, and declaring an emergency."

Referred to Committee on Education.

By Mr. Sweet of Tarrant:

H. B. No. 324, A bill to be entitled "An Act authorizing the Polytechnic Heights Independent School District No. 42 of Tarrant county to levy and collect taxes, for issuance of bonds to the amount not to exceed fifty cents on the one hundred dollar valuation, declaring an emergency, and the repeal of all laws conflicting with any part of this Act."

Referred to Committee on Education.

By Mr. Rogers of Harris (by request):

H. B. No. 325, A bill to be entitled "An Act providing for the organization of a corporation composed of not less than three persons who shall be resident citizens of the State of Texas, for the purpose of insuring personal property against loss or damage by fire, lightning, hail and storms, and for all or either of such purposes; providing that no such company shall be incorporated with authority to issue any certificate, or policy, for a greater sum than \$500.00, and to operate in more than one place in the State, and at a greater distance than within a radius of twenty-five miles from its principal office; and providing that the application for the organization of such a corporation shall be made to the Commissioner of Insurance and Banking; and providing for the election of officers to conduct such business and for the collection of premiums on certificates, or policies, issued, and for the creation and maintenance of a reserve fund out of which losses shall be paid; and providing for the bonding of the officers thereof; and providing a penalty for the diversion or appropriation by any person of any part of the reserve fund, or for

the use of any part of such reserve fund except for the purpose of paying losses."

Referred to Committee on Insurance.

By Mr. Edwards:

H. B. No. 326, A bill to be entitled "An Act authorizing an act in this State to decide by a majority vote of the qualified electors who are freeholders in such county whether tick eradication work as affecting live stock shall be carried on in such county and whether the laws of this State relative to the subject of tick eradication shall apply to and be in effect in any such county, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Burmeister (by request):

H. B. No. 327, A bill to be entitled "An Act to amend Section 3 of Chapter 91 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, to fix the time for holding the terms of the district court in the various counties composing the Eighty-first Judicial District of Texas; to repeal all laws and parts of laws in conflict with this Act."

Referred to Committee on Judicial Districts.

By Mr. Crumpton:

H. B. No. 328, A bill to be entitled "An Act repealing Chapter 28 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature and Chapter 8 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, which acts create and relate to the criminal district court of Bowie county, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Hill:

H. B. No. 329, A bill to be entitled "An Act declaring the 11th day of November of each year a legal holiday under the same conditions as other holidays are designated in Texas, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Webb:

H. B. No. 330, A bill to be entitled "An Act creating the Laneville Independent School District of Rusk county; defining its boundaries; vesting it with the rights, powers, duties and privileges

of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

Referred to Committee on Education.

By Mr. Perkins of Cherokee:

H. B. No. 331, A bill to be entitled "An Act amending Article 657, Revised Statutes, 1911, providing for the issuance of county bonds to fund or refund bonds or warrants legally issued by a county, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Thomason:

H. B. No. 332, A bill to be entitled "An Act to provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the State from appropriations made by the Congress of the United States for the purpose stated; to provide for the appointment of a State board to co-operate with the Federal Board for Vocational Education in carrying out the provisions of said act, and prescribing its powers and duties; to provide for a plan of co-operation between such State board and the State Industrial Accident Board and to make appropriations to provide for the vocational rehabilitation of persons disabled in industry or otherwise."

Referred to Committee on Education.

By Mr. Thomason:

H. B. No. 333, A bill to be entitled "An Act amending Articles 2767, 2768, 2451, Revised Civil Statutes of 1911, and Article 2771, Revised Civil Statutes of 1911, as amended by Section 1, Chapter 160, Acts of the Thirty-fifth Legislature, and Section 71, Chapter 124, Acts of the Twenty-ninth Legislature, relating to powers of school trustees in choosing a depository, to bonds of depository, and as to powers of school trustees in relation to a teacher's contract, and declaring an emergency."

Referred to Committee on Education.

By Mr. Johnson of Wichita:

H. B. No. 334, A bill to be entitled "An Act making it unlawful for any person to prevent or attempt to prevent a witness to any material fact in a felony case from testifying in the trial of the case; providing a penalty for viola-

tions of this Act; fixing the time when a person charged with the violation of this Act may be tried; providing the compensation of prosecuting attorney when a conviction is secured, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Fly:

H. B. No. 335, A bill to be entitled "An Act to reduce size of the Gonzales State Park, heretofore acquired and accepted as a donation from the city of Gonzales, situated in Gonzales county, Texas, and authorizing the Governor to deed the portion of said park remaining after reducing the acreage of said park as is herein provided, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Satterwhite:

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 72 of the Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, creating the Dalhart Consolidated Independent School District in Dallam and Hartley counties, and declaring an emergency."

Referred to Committee on Education.

By Mr. Hill;

H. B. No. 337, A bill to be entitled "An Act requiring all persons, firms, joint stock companies and corporations doing a cotton ginning business in the State of Texas to make a uniform rate for ginning cotton within the State where said persons, firms, joint stock companies or corporations have more than one gin in operation within this State; providing a penalty, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Branch:

H. B. No. 338, A bill to be entitled "An Act creating and incorporating the Lyford Independent School District in Cameron county, Texas, including the town of Lyford; defining its boundaries; providing for a board of trustees, and assuming all contracts, debts, including bonded indebtedness of Lyford Independent School District; investing said district with all the rights, privileges and duties of an independent school district created under the General Laws of the State of Texas for free school purposes only, and declaring an emergency."

Referred to Committee on Education.

By Mr. Williams of McLennan:

H. B. No. 339, A bill to be entitled "An Act to require the Railroad Commission of the State of Texas to fix a just and proper tariff on cotton which is compressed to the density of not less than 22 1-2 pounds to the cubic foot at the time of offering said cotton to any railroad company for shipment, said rate to be not less than sixty cents (60c) per bale, than that fixed by said Railroad Commission as tariff on cotton compressed to a density regardless of the distance that said cotton is to be shipped, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Williams of McLennan:

H. B. No. 340, A bill to be entitled "An Act to prevent the wrongful and unnecessary extraction of cotton from cotton bales and to prevent and control the sale and disposition of same by cotton buyers, cotton weighers, cotton warehousemen and cotton compress companies; defining the word 'waste' and the words 'cotton buyer,' 'cotton weigher,' 'cotton warehousemen,' and 'cotton compress companies,' and providing for the delivery of such waste cotton by such parties to the county judge and for the sale of same by the county judge and his successors, and the application of the funds received from the sale thereof; fixing period of one year as statute of limitation against persons owning the cotton bales from which the waste came, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Beasley of McCulloch:

H. B. No. 341, A bill to be entitled "An Act to amend Article 7617, Chapter 13, Title 126, of the Revised Statutes of 1911, and providing additional duties of the tax collector, requiring an entry upon the tax rolls when payment of taxes has been made, and prescribing that such entry shall be taken as evidence of the payment of said tax; specifying a penalty for failure to perform such duties, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Satterwhite:

H. B. No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency."

Referred to Committee on Appropriations.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Malone:

H. J. R. No. 20, Proposing an amendment to Section 51, of Article 3, of the Constitution of the State of Texas, so that hereafter the Legislature shall have power and authority to make and grant aid by the payment of money of the State to Texas soldiers and sailors who enlisted or were drafted into actual service in the war between the United States and the German Empire between April 7, 1917, and November 11, 1918.

Referred to Committee on Constitutional Amendments.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Hill, it was ordered that House bills Nos. 266, 281, 306, and 307 be not printed.

On motion of Mr. Burns, it was ordered that House bill No. 284 be not printed.

On motion of Mr. Rosser, it was ordered that House bill No. 317 be not printed.

BILLS ORDERED PRINTED.

On motion of Mr. Thompson of Red River, it was ordered that House Joint Resolution No. 15, with majority adverse and minority favorable report, be printed.

On motion of Mr. John Davis, it was ordered that House bill No. 45, with majority adverse and minority favorable reports, be printed.

ADDITION TO STANDING COMMITTEE.

On motion of Mr. Jones, by unanimous consent, Mr. Burmeister was added to the Committee on Public Lands and Buildings.

RELATING TO LIGHTING HALL AT NIGHT.

Mr. Burmeister offered the following resolution:

Be it resolved by the House of Representatives, That the Sergeant-at-Arms of the House be instructed to request the Superintendent of Public Buildings

and Grounds to keep the lights burning in the Hall of the House of Representatives until 12 o'clock p. m.

The resolution was read second time and was adopted.

INVITING CAPT. J. D. FAUNTLE-ROY TO ADDRESS THE HOUSE.

Mr. Fugler offered the following resolution:

Whereas, Captain J. D. Fauntleroy, United States District Engineer, who has in charge the construction of public roads under the provisions of the Federal Aid Road Act.

Whereas, Captain Fauntleroy is recognized as one of the best authorities in the United States on the subject of public highways.

Whereas, The information in possession of Capt. Fauntleroy will be of great benefit to the members; therefore be it

Resolved, That he be invited to address the House tonight immediately after Dr. Vinson, on this important matter of legislation.

Signed—Fugler, Stewart of Reeves, Baker of Milam.

The resolution was read second time and was adopted.

GRANTING JUDGE J. H. McLEAN LEAVE OF ABSENCE.

Mr. Johnson of Gillespie, offered the following resolution:

House Concurrent Resolution No. 15, Granting Judge J. H. McLean leave of absence from the State.

Whereas, It will probably become necessary for J. H. McLean, Judge of the Thirty-third Judicial District of Texas, to temporarily leave the State during the summer vacations of his court in the years 1921 and 1922; therefore be it

Resolved by the Legislature of the State of Texas, That said J. H. McLean, Judge of the Thirty-third Judicial District of Texas, be, and he is hereby granted leave of absence during said summer vacation periods, terminating not later than the 31st day of August.

The resolution was read second time and was adopted.

RELATING TO ADMISSION TO HALL.

Mr. Mott offered the following resolution:

Proposing an amendment to Rule 27 of the House of Representatives affecting the privilege of the heads of State Departments to the floor of the House.

Whereas, The members of this House

have been and are being annoyed by the presence of the heads of some of the State departments who are interested in pending measures before the House, thereby interfering with the orderly procedure of the House; therefore, be it

Resolved by the House of Representatives of the Legislature of the State of Texas, That Section 1 of Rule 27 of this House determining admission to the floor of the House be amended so as to read as follows:

"1. Persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is in session, viz.: The members and employes of the House; the Senators and employes of the Senate; the Governor and his private secretary; the Lieutenant Governor; the President and Vice President of the United States; United States Senators and members of Congress; Governors of other States; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the heads of all State departments, except that when any bill or resolution affecting any department of State is pending in the House, the head of such department or any person attached to such department, shall not be permitted upon the floor of the House; and contestants in election cases, pending their contests in the House."

The resolution was read second time and referred by the Speaker to the Committee on Rules.

HOUSE BILL NO. 25 ON ENGROSSMENT.

The Speaker laid before the House as a special order, for this hour, on its passage to engrossment,

H. B. No. 25, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99 of the General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10, of the General Laws of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35, General Laws of the Thirty-sixth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Bowie

and Marion counties, and declaring an emergency."

The bill having been read second time on Tuesday, January 24.

Mr. Rosser moved to recommit the bill to the Committee on Stock and Stock Raising and the motion was lost.

Mr. Henderson of Marion offered the following amendment to the bill:

To amend House bill No. 25 by adding after the word "Archer" and before "Atascosa," line 28, page 1, the word "Armstrong"; by adding after the word "Denton" and before the word "DeWitt," line 34, page 1, the word "Dickens"; by adding after the word "Howard" and before the word "Hockley," line 40, page 1, the word "Houston"; by adding after the word "Limestone" and before the word "Lynn," line 2, page 2, the word "Liberty"; by adding after the word "Pecos" and before the word "Rains," line 6, page 2, the words "Presidio and Panola"; by adding after the word "San Saba" and before the word "Scurry," line 8, page 2, the word "Shelby"; by adding after the word "Taylor" and before the word "Titus," line 9, page 2, the words "Terrell and Throckmorton."

The amendment was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 25 by inserting next after the word "petition," and before the word "and," in line 13, page 2, the following: "or a majority of such freeholders in such subdivision."

The amendment was adopted.

Mr. Beasley of McCulloch offered the following amendment to the bill:

Amend House bill No. 25, page 2, line 3, by striking out the word "McCullough" and insert the word "McCulloch."

The amendment was adopted.

Mr. Greer offered the following amendment to the bill:

Amend House bill No. 25, page 3, line 2, after the word "provided": "Provided further, that the provisions of this act shall not apply to Henderson county as a whole, but shall apply only to such subdivisions thereof as may be designated in the manner herein provided."

The amendment was adopted.

House bill No. 25 was then passed to engrossment.

HOUSE BILL NO. 65 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 65, A bill to be entitled "An Act to amend Chapter 75, pages 140 and 141, of the General Laws of the Regular Session of the Thirty-fifth Legislature, which was an act amending Articles 1521, 1522, 1543, 1544 and 1526, of Revised Civil Statutes of 1911, defining the original and appellate jurisdiction of the Supreme Court of Texas and regulating the practice therein."

The bill having been read second time on yesterday with amendment by Mr. Cox, pending.

Question—Shall the amendment be adopted?

On motion of Mr. Cox, the bill was set as a special order for 3 o'clock p. m., today.

PROVIDING FOR A CONSTITUTIONAL CONVENTION.

The Speaker laid before the House, as postponed business for consideration at this time.

H. C. R. No. 12, Providing for a constitutional convention for the State of Texas.

The resolution having heretofore been read second time.

On motion of Mr. Satterwhite, further consideration of the resolution was postponed until 3:30 o'clock p. m. today.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 45, A bill to be entitled "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes, 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to amend Article 1551, Chapter 9, Title 31, of the Revised Civil Statutes of Texas, of 1911, and also to amend Article 1627, Title 32, Chapter 9, Revised Civil Statutes of Texas, 1911, so as to provide, in substance, that when the judgment of the lower court is affirmed or reversed and rendered, that the Court of Civil Appeals or the Supreme Court in which said suit is pending, shall at the same time render judgments against the party appealing, together with the sureties on the appeal,

or supersedeas bond for the amount of the judgment so rendered, and providing that the said court shall make such disposition as to costs as may be deemed proper; to repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tort-feasor dies before suit is instituted, and declaring an emergency."

S. B. No. 76, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in the year 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 11 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. J. R. No. 11, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas prior to January 1, 1910, providing that all soldiers, sailors, and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven (7c) cents on the \$100 valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purpose; fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof.

The resolution was read third time.

The Clerk was directed to call the roll, and the resolution was passed by the following vote:

Yeas—118.

Mr. Speaker.
Adams.

Baker.
Baldwin.

Barker.	Looney.
Barrett of Bell.	McDaniel.
Bass.	McFarlane.
Beasley	McKean.
of Hopkins.	Malone.
Beavens.	Martin.
Binkley.	Mathes.
Black, O. B.,	Menking.
of Bexar.	Merriman.
Black, W. A.,	Miller of Dallas.
of Bexar.	Miller of Parker.
Bonham.	Morgan.
Brady.	Moore.
Branch.	Morris of Medina.
Brown.	Morris
Bryant.	of Montague.
Burmeister.	Mott.
Burns.	Neblett.
Carpenter.	Owen.
Childers.	Patman.
Chitwood.	Perkins
Coffee.	of Cherokee.
Cox.	Perkins of Lamar.
Crawford.	Perry.
Crumpton.	Pollard.
Cummins.	Pool.
Darroch.	Quaid.
Davis, John E.,	Quicksall.
of Dallas.	Rice.
Davis, John,	Rogers of Harris.
of Dallas.	Rogers of Shelby.
Duffey.	Rosser.
Duncan.	Rountree.
Edwards.	Rowland.
Estes.	Satterwhite.
Fly.	Shearer.
Fugler.	Sims.
Garrett.	Sneed.
Greer.	Stevenson.
Hall.	Stewart of Reeves.
Hanna.	Swann.
Hardin.	Sweet of Brown.
Harrington.	Sweet of Tarrant.
Harrison.	Teer.
Henderson	Thomas.
of McLennan.	of Limestone.
Henderson	Thomason.
of Marion.	Thompson
Hendricks.	of Harris.
Hill.	Thompson
Horton.	of Red River.
Johnson	Thorn.
of Wichita.	Thrasher.
Jones.	Veatch.
Kacir.	Wadley.
Kellis.	Walker.
King.	Wallace.
Kveton.	Webb.
Lackey.	Wessels.
Laird.	West.
Laney.	Williams
Lauderdale.	of McLennan.
Lawrence.	Williams
Leslie.	of Montgomery.
Lindsey.	

Absent.

Aiken.	Neinast.
Beasley	Pope.
of McCulloch.	Schweppe.
Johnson	Smith.
of Gillespie.	Stephens.
Johnson of Ellis.	

Absent—Excused.

Barrett of Fannin.	Marshall.
Burkett.	Melson.
Curtis.	Quinn.
Dinkle.	Seagler.
Faubion.	Stewart
Grissom.	of Edwards.
McCord.	Westbrook.
McLeod.	Wright.

HOUSE BILL NO. 12 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 12, A bill to be entitled "An Act to amend Chapter 8, Title 71, of the Revised Civil Statutes, providing for the incorporation, organization, regulation and supervision of mutual life insurance companies in this State, and providing penalties for the violation of this act."

The bill was read third time and was passed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 13, Granting permission to the Daughters of the Republic to hang a picture of Mrs. Sevier in the Capitol.

Respectfully,

A. W. HOLT,
Assistant Secretary of the Senate.

HOUSE BILL NO. 30 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 30, A bill to be entitled "An Act to encourage and assist in the building of homes and of removing encumbrances therefrom; to broaden the corporate powers of certain corporations; to permit the purchase of notes, bills or other evidences of debt at a greater or less sum than the face or par value thereof; to authorize the making of loans upon the amortization

basis, repayable in installments; to authorize the lending of money on real and personal security, and to authorize the purchase and sale of notes, bonds and securities, limiting such powers to corporations having a capital stock of one hundred thousand (\$100,000) dollars or more, and giving such privileges to corporations having their domicile in cities of one hundred thousand or more population, and declaring an emergency."

The bill was read third time.

Mr. Owen offered the following amendment to the bill:

Amend House bill No. 30 by striking out the enacting clause.

The amendment was lost.

Mr. Lawrence offered the following amendment to the bill:

Amend House bill No. 30, by striking out on page 1, lines 31 and 32.

The amendment was lost.

On motion of Mr. Baldwin, further consideration of the bill was postponed indefinitely.

Mr. Baldwin moved to reconsider the vote by which the bill was postponed indefinitely, and to table the motion to reconsider.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—52.

Baker.	Martin.
Baldwin.	Menking.
Barker.	Miller of Parker.
Barrett of Bell.	Moore.
Beasley	Morris
of Hopkins.	of Montague.
Branch.	Neblett.
Bryant.	Owen.
Burns.	Patman.
Childers.	Perkins of Lamar.
Cox.	Perry.
Crumpton.	Pollard.
Darroch.	Quicksall.
Davis, John E.,	Rice.
of Dallas.	Rogers of Shelby.
Duffey.	Rosser.
Fugler.	Rowland.
Harrington.	Satterwhite.
Henderson.	Stephens.
of McLennan.	Stevenson.
Henderson	Swann.
of Marion.	Sweet of Brown.
Hill.	Thomas
Johnson	of Limestone.
of Wichita.	Thompson
Kacir.	of Red River.
Kellis.	Thorn.
King.	Thrasher.
Laird.	Wadley.
Lawrence.	Wallace.
McDaniel.	

Nays—64.

Mr. Speaker.	Lackey.
Bass.	Laney.
Beasley	Lauderdale.
of McCulloch.	Leslie.
Beavens.	Looney.
Binkley.	McFarlane.
Black, O. B.,	McKean.
of Bexar.	Malone.
Black, W. A.,	Mathes.
of Bexar.	Merriman.
Bonham.	Miller of Dallas.
Brady.	Morgan.
Brown.	Morris of Medina.
Burmeister.	Mott.
Carpenter.	Perkins
Chitwood.	of Cherokee.
Coffee.	Pool.
Crawford.	Quaid.
Cummins.	Rogers of Harris.
Davis, John,	Rountree.
of Dallas.	Schweppe.
Duncan.	Shearer.
Edwards.	Sims.
Estes.	Smith.
Fly.	Sneed.
Garrett.	Teer.
Greer.	Thomason.
Hanna.	Thompson
Hardin.	of Harris.
Harrison.	Veatch.
Hendricks.	Walker.
Johnson	Webb.
of Gillespie.	Wessels.
Johnson of Ellis.	West.
Jones.	Williams
Kveton.	of Montgomery

Present—Not Voting.

Williams
of McLennan.

Absent.

Adams.	Neinast.
Aiken.	Pope.
Hall.	Stewart of Reeves.
Horton.	Sweet of Tarrant.
Lindsey.	

Absent—Excused.

Barrett of Fannin.	Marshall.
Burkett.	Melson.
Curtis.	Quinn.
Dinkle.	Seagler.
Faubion.	Stewart
Grissom.	of Edwards.
McCord.	Westbrook.
McLeod.	Wright.

Question—Shall the motion to reconsider prevail?

Mr. Miller of Dallas asked that the motion to reconsider be spread on the Journal.

There was no opposition offered.

HOUSE BILL NO. 62 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 62, A bill to be entitled "An Act authorizing the commissioners courts of Texas to fix the compensation of the tax assessors of their respective counties for assessing and making the tax rolls of that part of any improvement district lying within the city limits of cities having a population of more than 75,000 inhabitants, at a sum not to exceed the amount allowed by general law for like services in assessing State and county taxes, and declaring an emergency."

The bill was read third time and was passed.

Mr. Malone moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 76, to the Committee on Criminal Jurisprudence.

Senate bill No. 63, to the Judiciary Committee.

Senate bill No. 55, to the Judiciary Committee.

Senate bill No. 45, to the Committee on Revenue and Taxation.

RECESS.

On motion of Mr. Fugler, the House at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

MESSAGE FROM THE GOVERNOR.

Miss Annie Houghton, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, February 1, 1921.

To the Members of the Senate and House of Representatives.

Gentlemen: The law is the stabilizing influence which holds society to-

gether. It is the foundation of every civilization. To uphold it is the first duty of a government. The law of the land should be revered and cherished as sacred at all times. The progress of the State and the safety of her people depend on its rigid enforcement. If the State is to be respected, her laws must be obeyed. Disregard for the law undermines the very foundation of organized society. When a government ceases to enforce her laws it ceases to be a government and becomes a mob. There is sweeping over Texas, as never before in her history, a wave of crime. Murder, theft, robbery, and hold-ups are hourly occurrences that fill the daily press. The spirit of lawlessness has become alarming. Our loose method of dealing with violators of the law is in a large degree responsible for the conditions that today confront us. A lax enforcement of law begets a disrespect for law. A disrespect for law makes criminals. Criminals fill the land with terror and make unsafe both life and property. To the end that we may have throughout the State a proper respect for the law, and in order that its mandates may be obeyed, I most earnestly recommend for your consideration the following:

First: Repeal outright the entire law providing for the suspended sentence. This law is the convenient vehicle in which a great number of criminals, both old and young, escape punishment for the gravest of crimes. It is the incubator of professional criminals. For the past several years there has been in this State an average of more than one thousand suspended sentences a year given to convicted criminals. In a number of counties practically every sentence is suspended. Those criminally inclined have learned the laws to which the suspended sentence applies, and for that reason these laws are openly violated, because it is well understood that if you are accidentally caught you can escape punishment through the loophole of a suspended sentence. Approximately 90 per cent of the business of our criminal courts is a fruitless effort to enforce those laws dealing with the suspended sentence. Money consideration is the smallest item connected with a matter of this kind, and yet it is proper to remind you that the more than two thousand suspended sentences given in Texas the past two years cost the taxpayers of the State more than half a million dollars. This is an ex-

pensive method of marching up the hill just for the privilege of marching down.

We hear much said these days about the charitable spirit that should be shown the young man who violates the law. We are always doing something to make it easy and nice for those who thus err. I raise a warning voice against this doctrine that encourages our young men to violate the law. They should be made to know that if they violate the law they must suffer the punishment. The present lax system of enforcing the law is but a school in which our young men are being taught and trained to be professional criminals. A West Texas grand jury last week gave to the press the information that eighty per cent of all violations of the law investigated by them was committed by young men. A neighboring county from which this report came, at the same time gave to the public the information that its district court had just adjourned and that out of thirty-one convictions, sixteen were given the suspended sentence. It is a matter of common knowledge that organizations of young men have been formed in the State for the systematic stealing of automobiles and for violating the prohibition law. They know full well that the chances are they will never get caught; if caught, never convicted, and if convicted, never punished. If they are caught and convicted in one section of the State for violating the law they realize that at the worst it is nothing but a suspended sentence, and to further pursue their trade they have only to move to another section of the State. It is the certainty of punishment that keeps people from violating the law. The suspended sentence law should be repealed.

As a second suggestion looking to the upholding of the law, I remind you that at times local officers who are sworn to enforce the law corruptly stand in the way of its enforcement. Recent investigations prove to me that this is true at this time in certain places in this State. Such officers should be speedily removed from office. Effective legislation should be at once provided for such removal. These legal proceedings providing for removal should be instituted beyond the local jurisdiction which may be contaminated by the same disregard for the law. If the officers of a locality are not honestly able to enforce the law, they should ask the State for aid, and if they will not enforce the law they should be immediately removed.

As a third recommendation to make more effective our laws, I call your attention to a recent holding on the part of the Court of Criminal Appeals to the effect that under the Dean law, as it is written, a conviction would not be sustained upon the testimony alone of the purchaser of the intoxicant. There is no good reason why the whole facts of the case should not be submitted to the jury, and if the jury, after weighing the credibility of all the witnesses, convict the defendant, and the Court of Criminal Appeals should be satisfied that the defendant had a fair and impartial trial, the law should not be permitted to reverse the verdict. I therefore recommend that a law be enacted as an amendment to the Dean law providing that the verdict of a jury, after hearing all the facts, shall not be set aside by any technicality of the law as to the sufficiency of the evidence.

As a further subject for your consideration, as a blended matter of economy and effective enforcement of the law, it is my opinion that prosecuting attorneys should not be permitted, as now provided by law, to permit a defendant who is charged with a number of violations of the law, to plead guilty and serve all his sentences concurrently, and at the same time permit the prosecuting attorney to charge as if the defendant had been tried and convicted in each case. To illustrate: A defendant may be charged by fifteen indictments for passing fifteen forged checks, or for stealing fifteen different automobiles, and yet he can come into court and by an agreement plead guilty to all of these, but the punishment is as if he had only plead guilty in one case, the sentences being made to run concurrently. Notwithstanding this easy method of disposing of all his cases, the law permits the prosecuting attorney to collect fees in each of the cases. It appears to me that the State in a matter of this kind is paying out entirely too much money for the results obtained. A law should be passed correcting this extravagant and ineffective procedure.

Believing in the dignity, the majesty and the sovereignty of the law, and wishing to make more secure life, liberty and property in Texas, I submit these suggestions to you gentlemen for your conscientious consideration.

Yours sincerely,

PAT M. NEFF,
Governor.

HOUSE BILL NO. 34 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 34, A bill to be entitled "An Act amending Article 6923 of Title 119 of the Revised Civil Statutes of the State of Texas, 1911, providing that any person summoned to work on the public roads of this State shall be exempted from the performance of such work upon payment to the road overseer of his district of \$2 for each and every day he is summoned to work, and exempting such person from all penalties for failure to work on such roads for the time for which he has so paid, and declaring an emergency."

The bill was read third time.

Mr. Greer offered the following amendment to the bill:

Amend House bill 34, line 21, by striking out the words "the sum of two dollars" and inserting thereof the following words, "such sum as the commissioners' court sitting at its first session in February shall set as the value of a day's labor for that year in that county."

Mr. Lawrence raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker overruled the point of order.

On motion of Mr. McFarlane, the amendment was tabled.

House bill No. 34 was then passed.

Mr. Baldwin moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

NOTICES GIVEN.

Mr. Adams gave notice that he would on tomorrow call up for consideration at that time House bill No. 91, which bill was heretofore laid on the table, subject to call.

Mr. Jones gave notice that he would on tomorrow call up for consideration at that time House bill No. 58, which bill was heretofore laid on the table, subject to call.

HOUSE BILL NO. 65 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 65, Defining the original and appellate jurisdiction of the Supreme Court and regulating the practice therein.

The bill having been read second time on yesterday, with amendment by Mr. Cox pending.

Mr. Williams of McLennan offered the following amendment to the amendment:

Amend House bill No. 65, Section 2, page 325 of the Journal of January 31, line 4 of the Journal, after the word "at," by striking out the words "that time" and insert in lieu thereof the following, "the time of taking effect of this act."

The amendment to the amendment was adopted.

Mr. Bonham offered the following amendment to the amendment:

Amend the substitute by striking out of subdivision two thereof, page 325, of Journal of January 31, the three lines beginning with the words "in all" and ending with the words "writs of error."

On motion of Mr. Cox, the amendment to the amendment was tabled.

Mr. Williams of McLennan offered the following amendment to the amendment:

Amend House bill No. 65, Section 1, Article 1522, page 325 of the Journal of January 31, after the word "involved" by striking the words "and when the record from the trial court affirmatively shows the value thereof to exceed \$5,000.00 at the time of the trial in the trial court."

The amendment to the amendment was adopted.

Mr. Williams of McLennan offered the following amendment to the amendment:

Amend House bill No. 65, Section 1, Article 1522, by inserting the words "of said value" after the word "property" and before the word "it."

The amendment to the amendment was lost.

Mr. Williams of McLennan moved to reconsider the vote by which the amendment was lost.

The motion to reconsider prevailed.

Mr. Darroch offered the following substitute for the amendment to the amendment:

Amend House bill No. 65 by striking out all of said bill beginning with the words "Article 1522" down to Section 2, page 325 of the bill.

Mr. Williams of McLennan moved to table the substitute, and the motion to table was lost.

Question recurring on the substitute, it was lost.

Question next recurring on the amendment to the amendment, it was adopted.

Mr. Bonham offered the following amendment to the amendment:

Amend the amendment by striking out last three lines of subdivision 2, House Journal, January 31, page 325, changing the period after the word "law" to a comma, and inserting "and in those causes coming under this subdivision where there is a conflict between a Court of Civil Appeals and the Supreme Court, it shall be mandatory upon the Supreme Court to grant writs of error."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. John Davis of Dallas offered the following (committee) amendment to the bill:

Amend House bill No. 65, as amended, by striking out Articles 1521 and 1522 and inserting in lieu thereof the following:

Article 1521. The Supreme Court shall have appellate jurisdiction co-extensive with the limits of the State, which shall extend to all questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction in the following cases when same have been brought to the Courts of Civil Appeals by writ of error or appeal from final judgment of trial courts:

1. Those in which the judges of the Courts of Civil Appeals may disagree upon any question of law material to the decision.

2. Those in which one of the Courts of Civil Appeals holds differently from a prior decision of its own or of another Court of Appeals, or of the Supreme Court upon any such question of law.

3. Those involving the construction or the validity of statutes.

4. Those involving the revenue laws of the State.

5. Those in which the Railroad Commission is a party.

Article 1522. In any case in any Court of Civil Appeals in this State, it shall be competent for the Supreme Court to require, by certiorari, under such regulations as it may prescribe, upon the petition of any party thereto, any such case to be certified to the Supreme Court, for its review and determination of any question of law arising

therein, and in any case within its appellate jurisdiction any Court of Civil Appeals at any time may certify to the Supreme Court any question or proposition of law concerning which it desires the instruction of that court for its proper decision, and thereupon, whether on certiorari or certificate, the Supreme Court shall determine the above mentioned questions of law, and its determination of same shall be binding on the Court of Civil Appeals.

All causes mentioned in Article 1521 may be carried to the Supreme Court either by writ of error or by certificate from the Court of Civil Appeals, and questions arising in causes not mentioned in Article 1521 shall be determined on certiorari to the Court of Civil Appeals or on certificate from such court as herein provided, and such questions may be determined whether before or after the decision thereof in the Court of Civil Appeals.

Mr. Cox moved to table the (committee) amendment, and the motion to table was lost.

Question recurring on the (committee) amendment, yeas and nays were demanded.

The (committee) amendment was adopted by the following vote:

Yeas—62.

Adams.	Laird.
Baldwin.	Lawrence.
Barrett of Bell.	Leslie.
Bass.	McFarlane.
Black, W. A.,	McKean.
of Bexar.	Martin.
Bonham.	Mathes.
Burns.	Merriman.
Carpenter.	Morris of Medina.
Coffee.	Morris
Crawford.	of Montague.
Crumpton.	Mott.
Cummins.	Owen.
Davis, John,	Patman.
of Dallas.	Perkins
Duffey.	of Cherokee.
Duncan.	Perkins of Lamar.
Fugler.	Pool.
Greer.	Quaid.
Hardin.	Rice.
Harrington.	Rogers of Shelby.
Harrison.	Rosser.
Henderson	Rountree.
of Marion.	Sims.
Hendricks.	Smith.
Hill.	Sneed.
Johnson	Stevenson.
of Gillespie.	Sweet of Brown.
Jones.	Thomason.
King.	Thompson
Lackey.	of Harris.

Thompson	Walker.
of Red River.	West.
Thorn.	Williams
Thrasher.	of Montgomery.
Wadley.	

Nays—53.

Baker.	Kellis.
Barker.	Kveton.
Beasley	Lauderdale.
of Hopkins.	Looney.
Beasley	McDaniel.
of McCulloch.	Malone.
Beavens.	Menking.
Binkley.	Miller of Dallas.
Black, O. B.,	Miller of Parker.
of Bexar.	Morgan.
Brady.	Moore.
Brown.	Neblett.
Bryant.	Neinast.
Burmeister.	Pollard.
Childers.	Quicksall.
Chitwood.	Rogers of Harris.
Cox.	Rowland.
Darroch.	Satterwhite.
Davis, John E.,	Schwepe.
of Dallas.	Shearer.
Edwards.	Stewart of Reeves.
Fly.	Swann.
Garrett.	Sweet of Tarrant.
Hanna.	Teer.
Henderson	Thomas
of McLennan.	of Limestone.
Horton.	Veatch.
Johnson of Ellis.	Webb.
Johnson	Wessels.
of Wichita.	Williams
Kacir.	of McLennan.

Present—Not Voting.

Aiken.

Absent.

Branch.	Perry.
Estes.	Pope.
Hall.	Stephens.
Laney.	Wallace.
Lindsey.	

Absent—Excused.

Barrett of Fannin.	Marshall.
Burkett.	Melson.
Curtis.	Quino.
Dinkle.	Seagler.
Faubion.	Stewart
Grissom.	of Edwards.
McCord.	Westbrook.
McLeod.	Wright.

Mr. Mott offered the following amendment to the bill:

Strike out on line 34 words "in any case in any Court of Civil Appeals in this State" and substitute "in all cases mentioned in Article 1521."

On motion of Mr. John Davis of Dallas, the amendment was tabled.

Mr. Jones moved to reconsider the vote by which the (committee) amendment offered by Mr. John Davis of Dallas was adopted.

The motion to reconsider prevailed.

Question recurring on the (committee) amendment by Mr. John Davis of Dallas, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45.

Barrett of Bell.	Morris
Bass.	of Montague.
Bonham.	Owen.
Burns.	Patman.
Coffee.	Perkins
Crawford.	of Cherokee.
Crumpton.	Perkins of Lamar.
Cummins.	Quaid.
Davis, John,	Rice.
of Dallas.	Rogers of Harris.
Duffey.	Rogers of Shelby.
Duncan.	Rosser.
Edwards.	Smith.
Greer.	Stevenson.
Hardin.	Sweet of Brown.
Harrington.	Thomason.
Henderson	Thompson
of Marion.	of Harris.
Hendricks.	Thompson
Hill.	of Red River.
Johnson	Thorn.
of Gillespie.	Thrasher.
Lackey.	Wadley.
Laird.	Walker.
Lawrence.	Williams
Martin.	of Montgomery.
Morris of Medina.	

Nays—65.

Adams.	Fugler.
Aiken.	Garrett.
Baker.	Hanna.
Baldwin.	Harrison.
Barker.	Henderson
Beasley	of McLennan.
of Hopkins.	Johnson
Beasley	of Wichita.
of McCulloch.	Jones.
Beavens.	Kacir.
Binkley.	Kellis.
Black, O. B.,	King.
of Bexar.	Kveton.
Black, W. A.,	Lauderdale.
of Bexar.	Leslie.
Brady.	Looney.
Brown.	McDaniel.
Bryant.	McFarlane.
Burmeister.	McKean.
Carpenter.	Malone.
Childers.	Mathes.
Chitwood.	Menking.
Cox.	Miller of Dallas.
Darroch.	Miller of Parker.
Davis, John E.,	Morgan.
of Dallas.	Moore.

Neblett.	Swann.
Neinast.	Sweet of Tarrant.
Perry.	Teer.
Pollard.	Thomas
Pool.	of Limestone.
Quicksall.	Veatch.
Rowland.	Webb.
Satterwhite.	Wessels.
Schweppe.	West.
Shearer.	Williams
Sneed.	of McLennan.

Present—Not Voting.

Hall.	Sims.
Merriman.	Stephens.
Mott.	Stewart of Reeves.
Rountree.	

Absent.

Branch.	Laney.
Estes.	Lindsey.
Fly.	Pope.
Horton.	Wallace.
Johnson of Ellis.	

Absent—Excused.

Barrett of Fannin.	Marshall.
Burkett.	Melson.
Curtis.	Quinn.
Dinkle.	Seagler.
Faubion.	Stewart
Grissom.	of Edwards.
McCord.	Westbrook.
McLeod.	Wright.

Mr. Lackey offered the following amendment to the bill:

Amend House bill No. 65 and amendments by striking out the enacting clause.

Mr. Williams of McLennan moved the previous question on the amendment, and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—49.

Baker.	Edwards.
Bass.	Garrett.
Beavens.	Hanna.
Binkley.	Hardin.
Bonham.	Henderson
Black, O. B.,	of McLennan.
of Bexar.	Hendricks.
Brady.	Horton.
Brown.	Johnson
Burns.	of Wichita.
Carpenter.	Lackey.
Crawford.	Laird.
Cummins.	Lauderdale.
Duffey.	Leslie.

McFarlane.	Quaid.
McKean.	Rogers of Shelby.
Mathes.	Rosser.
Menking.	Rountree.
Merriman.	Shearer.
Miller of Dallas.	Stevenson.
Morris	Teer.
of Montague.	Thompson
Mott.	of Red River.
Owen.	Thorn.
Perkins	Thrasher.
of Cherokee.	West.
Perkins of Lamar.	Williams
Perry.	of Montgomery.

Nays—65.

Adams.	Looney.
Aiken.	McDaniel.
Baldwin.	Malone.
Barker.	Martin.
Beasley	Miller of Parker.
of Hopkins.	Moore.
Beasley	Morris of Medina.
of McCulloch.	Neblett.
Black, W. A.,	Patman.
of Bexar.	Pollard.
Bryant.	Pool.
Burmeister.	Quicksall.
Childers.	Rice.
Chitwood.	Rogers of Harris.
Coffee.	Rowland.
Cox.	Satterwhite.
Darroch.	Schwappe.
Davis, John E.,	Sims.
of Dallas.	Smith.
Davis, John,	Sneed.
of Dallas.	Stephens.
Duncan.	Stewart of Reeves.
Fugler.	Swann.
Greer.	Sweet of Brown.
Harrington.	Sweet of Tarrant.
Harrison.	Thomas
Henderson	of Limestone.
of Marion.	Thomason.
Hill.	Thompson
Johnson	of Harris.
of Gillespie.	Veatch.
Jones.	Wadley.
Kacir.	Walker.
Kellis.	Webb.
King.	Wessels.
Kveton.	Williams
Lawrence.	of McLennan.
Lindsey.	

Present—Not Voting.

Hall.

Absent.

Barrett of Bell.	Laney.
Branch.	Morgan.
Crumpton.	Neinast.
Estes.	Pope.
Fly.	Wallace.
Johnson of Ellis.	

Absent—Excused.

Barrett of Fannin.	Marshall.
Burkett.	Melson.
Curtis.	Quinn.
Dinkle.	Seagler.
Faubion.	Stewart
Grissom.	of Edwards.
McCord.	Westbrook.
McLeod.	Wright.

House bill No. 65 was then passed to engrossment.

Mr. Williams of McLennan moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO ADDRESS BY DR. VINSON.

Mr. Smith offered the following resolution:

Whereas, An invitation has been extended to Dr. R. E. Vinson to address a joint session of the Legislature this evening on the subject of the removal of the State University from its present location; and

Whereas, It is desirous on the part of the Legislature to have all information obtainable; therefore be it

Resolved, That an invitation be extended to those who oppose removal to have some one to address the joint session immediately after Dr. Vinson's address.

The resolution was read second time and was adopted.

ADJOURNMENT.

On motion of Mr. Cummins, the House, at 5:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees reported bills favorably today, as follows:

Labor—House bill No. 209.

Eleemosynary Institutions—House bill No. 203.

Education—House bills Nos. 93, 266, 307, 285, 281, 306, and 289.

Appropriations—House bill No. 242.

Municipal and Private Corporations—Senate bill No. 78; House bill No. 282.

Judiciary—House bills Nos. 224, 253, 215.

State Affairs—House bill No. 25.

Insurance—House bill No. 299.
Public Health—House bill No. 256.

The following standing committees reported bills adversely today, as follows:

Roads, Bridges and Ferries—House bill No. 152.

Judiciary—House bills Nos. 50, 90, 52, 131, and 283.

Judicial Districts—House bill No. 45.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 81, A bill to be entitled "An Act to amend Articles 4600 and 4601, Chapter 7, Title 66, of the Revised Civil Statutes of Texas, 1911 (being Articles 784 and 785 of the Revised Criminal Statutes of Texas, 1911), relating to fees to be paid by applicants for licenses as embalmers and the annual fees to be paid by registered embalmers, to provide a penalty for the violation thereof or the failure to pay such fees, and declaring an emergency."

H. B. No. 96, A bill to be entitled "An Act to amend Title 29 of the Revised Statutes of the State of Texas, and Chapter 2 thereof, and Articles 1467a, 1468, and 1476 thereof, and Chapter 134 of the General Laws of the Regular Session of the Thirty-fifth Legislature, page 339 thereof, providing more fully for placing common and independent school district accounts thereof, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act to amend Section 61 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the district court of the Sixty-first Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

And find the same correctly engrossed.
PATMAN, Vice Chairman.

Committee Room,
Austin, Texas, January 31, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 118, A bill to be entitled "An Act to put into effect the amendment to Section 3 of Article 7 of the Constitution of the State of Texas, in accordance with the will of the people as expressed by vote in the general election held on November 2, 1920."

H. B. No. 62, A bill to be entitled "An Act authorizing the commissioners' courts of Texas to fix the compensation of the tax assessors of their respective counties for assessing and making the tax rolls of that part of any improvement district lying within the city limits of cities having a population of more than 75,000 inhabitants, at a sum not to exceed the amount allowed by general law for like services in assessing State and county taxes, and declaring an emergency."

And find the same correctly engrossed.
PATMAN, Vice Chairman.

Committee Room,
Austin, Texas, January 31, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. J. R. No. 11, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas prior to January 1, 1910, providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven (7) cents on the \$100 valuation of property in this State for the payment of such pension; providing that the Legislature may reduce the rate of pension for such purpose; fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof."

H. B. No. 34, A bill to be entitled "An Act amending Article 6923 of Title 119 of the Revised Civil Statutes of the State of Texas, 1911, providing that any person summoned to work on the public roads of this State shall be exempted from the performance of such work upon payment to the road overseer of his district of \$2 for each and every day he is summoned to work, and exempting such person from all penalties for failure to work on such roads for the time

for which he has so paid, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act creating a special road law for Coryell county, Texas, making the commissioners for said county supervisors of the roads in their respective districts, prescribing their duties as such supervisors; prescribing how said roads and bridges shall be built and worked; providing for payment of overseers for overtime; providing that each commissioner's beat shall receive all the road and bridge funds paid by said beat; providing how and where said moneys shall be spent; providing for teams and tools, and providing ways for road hands to work on said road, and providing for substitutes; defining the duties of county treasurer and county clerks relative to said road law; providing for investigation by grand jury for violations of said law; fixing penalties for violations of said law; repealing all special laws in conflict herewith; making this law cumulative to the general road law, where same does not conflict; and providing where same conflicts with general road law that this special law shall supersede general laws, and providing for an emergency."

H. B. No. 173, A bill to be entitled "An Act to amend Section 1, Chapter 50, of Local and Special Laws of the State of Texas, being an act known as House bill No. 122, enacted by the Thirty-sixth Legislature of the State of Texas, at its Third Called Session, approved June 17, 1920, creating Miles Independent School District; this amendment revising, diminishing and re-establishing the limits and metes and bounds of said district as established by said act, to include only territory in Runnels county and excluding from said district certain territory in Runnels county and all territory in Tom Green county, and restoring and re-establishing such excluded territory which said act known as House bill No. 122 included in said Miles Independent School District to and as constituting, in whole or in part, as the case may be, the same original respective school districts of Tom Green and Runnels counties which such territory constituted, in whole or in part, before the taking effect of such act; continuing in office the trustees of such original respective school districts of Tom Green and Runnels counties who were in office when said original act took effect, with the same powers and duties as then conferred upon them by law, until the

expiration of their respective terms of office; and continuing all the parts of said act which are not hereby amended in full force and effect; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 32, A bill to be entitled "An Act to authorize the creation of international trading corporations in this State under the general corporation laws of this State, which will authorize such corporations to engage in business of international trading, trading the products of the farm, ranch, orchard, mine and forest, and engage in the sale of same to foreign countries, and permitting the residents of foreign countries to take stock in such corporations, and permitting such corporations to take in payment for capital stock property at an appraised value, to be determined upon by a board of appraisers selected by the Secretary of State of the State of Texas, who are familiar with the value of such properties, providing that the control of said corporation shall never be surrendered to any country save and except the United States of America and that a majority of said stock shall always be owned by citizens of Texas and the United States and that a majority of the directors shall be citizens of Texas; providing a penalty for vesting more than a majority of stock in a foreign country, and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act to amend Chapter 8, Title 71, of the Revised Civil Statutes, providing for the incorporation, organization, regulation and supervision of mutual life insurance companies in this State, and providing penalties for the violation of this act."

H. B. No. 30, A bill to be entitled "An Act to encourage and assist in the building of homes and of removing encumbrances therefrom; to broaden the corporate powers of certain corporations; to permit the purchase of notes, bills or other evidences of debt at a greater or less sum than the face or par value thereof; to authorize the making of loans upon the amortization basis, repayable in installments; to authorize the lending of money on real and personal security, and to authorize the purchase and sale of notes, bonds and securities, limiting such powers to corporations having a capital stock of one hundred thousand (\$100,000) dollars or more, and giving such privileges to corporations having their domicile in cities

of one hundred thousand or more population, and declaring an emergency."

And find the same correctly engrossed.
PATMAN, Vice Chairman.

Committee Room,
Austin, Texas, February 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 39, A bill to be entitled "An Act amending Article 832 of Title 13 of the Revised Criminal Statutes of the State of Texas, 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay the road overseer the sum of two dollars for each day he may have been notified to work on the public roads, or to pay to such road overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or to comply with any duty required of him by the laws relating to work on the public roads, shall be deemed guilty of a misdemeanor; prescribing penalty for violation of this act, and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to amend Section 1, Chapter 68 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, entitled 'An Act to amend Article 1143, Chapter 3, Title 15, of the Code of Criminal Procedure, as amended by Chapter 20 of the acts of the State of Texas, relating to the pay of jail guards and matrons,' and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act levying an occupation tax on circus shows, carnival companies, wild west shows, trained animal shows, amusement companies and other aggregations giving similar exhibitions in this State; specifying the tax to be paid and reports to be made, and the duty of the Comptroller and tax collector; prescribing penalties; repealing Sections 14, 15 and 16 of Article 7355, Revised Civil Statutes of 1911, and declaring an emergency."

H. B. No. 213, A bill to be entitled "An Act to regulate and make sanitary, buildings and rooms used and occupied as a bakery, for the manufacture of bakery products; providing for pure and wholesome ingredients of bakery products, and the cleanliness of receptacles used in the handling of same; prohibiting the use of impure materials; fixing the weight of a loaf of bread; fixing a penalty for the violation of any provision thereof, and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act to amend Article 2925 and Article 2926, Title 49, Chapter 2, Revised Civil Statutes of Texas, relating to the compensation of election judges and clerks."

And find the same correctly engrossed.
SNEED, Chairman.

SEVENTEENTH DAY.

(Wednesday, February 2, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Davis, John,
Aiken.	of Dallas.
Baker.	Duffey.
Baldwin.	Duncan.
Barker.	Edwards.
Barrett of Bell.	Estes.
Bass.	Fly.
Beasley	Fugler.
of Hopkins.	Garrett.
Beasley	Greer.
of McCulloch.	Hall.
Beavens.	Hanna.
Binkley.	Hardin.
Black, O. B.,	Harrington.
of Bexar.	Harrison.
Black, W. A.,	Henderson
of Bexar.	of McLennan.
Bonham.	Henderson
Brady.	of Marion.
Branch.	Hendricks.
Brown.	Hill.
Bryant.	Horton.
Burmeister.	Johnson of Ellis.
Burns.	Johnson
Carpenter.	of Wichita.
Childers.	Jones.
Chitwood.	Kacir.
Coffee.	Kellis.
Cox.	King.
Crawford.	Kveton.
Cummins.	Lackey.
Darroch.	Laird.
Davis, John E.,	Laney.
of Dallas.	Lauderdale.